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Seeking Appointment as Attorney for Defendant
FRANCISCO MEDINA CASTANEDA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO MEDINA
CASTANEDA,

Defendant.

No. CR-S 03-549-EJG

**DEFENDANT FRANCISCO
MEDINA CASTANEDA'S
APPLICATION FOR APPOINTMENT
OF COUNSEL AND PROPOSED
ORDER**

**RETROACTIVE CRACK COCAINE
REDUCTION GUIDELINE CASE**

Pursuant to 18 U.S.C. §§ 3006A(c) and 3582(c)(2), Defendant, FRANCISCO MEDINA CASTANEDA, hereby requests the court appoint attorney John Balazs as counsel to represent him with respect to a potential motion to reduce his sentence under recent crack cocaine guideline amendments pursuant to 18 U.S.C. § 3582(c)(2).

Assistant Federal Defender David Porter contacted undersigned counsel and suggested he request appointment regarding a § 3582(c)(2) motion rather than the Federal Defender's Office because counsel had represented Mr. Castaneda as appointed counsel on appeal and at resentencing. Mr. Castaneda is currently incarcerated at USP Coleman, Florida, where he serving the 262-month sentence of imprisonment imposed in this case. Mr. Castaneda has requested to pursue a § 3582(c)(2) motion to reduce his sentence and

1 has requested that Mr. Balazs be appointed to represent him with respect to such a motion.

2 Appointment of counsel would also serve the interests of justice in this case because
3 it might facilitate a negotiated disposition of a § 3582(c)(2) motion. Because Mr.
4 Castaneda's substantial rights may be affected by these criminal proceedings, he is
5 constitutionally entitled to appointment of counsel. *Mempa v. Rhay*, 389 U.S. 128, 134
6 (1967).

7 Accordingly, Mr. Castaneda requests the Court issue the order lodged herewith.

8 Respectfully submitted,

9 Dated: April 24, 2012

10 /s/ John Balazs

11 JOHN BALAZS

12 Attorney for Defendant
13 FRANCISCO MEDINA CASTANEDA
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16 **ORDER**

17 Pursuant to defendant's request, and good cause appearing therefor, attorney
18 John Balazs is hereby appointed to represent defendant with respect to a motion to reduce
19 sentence.

20 DATED: April 24, 2012

21 /s/ Edward J. Garcia

22 HON. EDWARD J. GARCIA
23 United States District Judge
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